

TO: Clerk of Court
For Posting on Docket
Criminal Action No.: 1: **15-**
[2B15]

CIVIL NO: 1:23-CV-09610-
[RBB]

EXHIBIT F

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(Camden Vicinage)

STEPHAN R. BYRD
Petitioner,

v.
UNITED STATES OF AMERICA
Respondent,

HONORABLE ROBERT B. KUGLER
UNITED STATES DISTRICT JUDGE

Criminal No: 15-409 (RBK)

Civil No: 1:23-cv-09610 (RBK)

FILED

APR 15 2024
CLERK OF DISTRICT COURT

[AFFIDAVIT/CERTIFICATION OF STEPHAN BYRD (PETITIONER) ON HONORABLE JUDGE ROBERT B. KUGLER BAD BEHAVIOR, IN VIOLATION OF ARTICLE III SECTION 1. AND ARTICLE III OF OUR UNITED STATES CONSTITUTION]

I, STEPHAN R. BYRD, depose and state that the following FACTS are True and Correct under penalty of perjury pursuant to 28 U.S.C. Sect. 1746 and hereby Certifies as follows:

(1) I, Stephan R. Byrd, state that Honorable Judge Robert B. Kugler has applied unreasonable conclusions of facts and unreasonable applications of clearly established law in this case of United States v. Stephan Byrd,

all to impede Justice; in continuous violation of the Petitioner Stephan R. Byrd Constitutional rights to Due Process and his own Sworn Oath to protect the United States Charter, i.e., Our Forefathers Constitution.

(2) I, Stephan R. Byrd, state that the District Court record of United States v. Stephan R. Byrd, Criminal Action No. 15:409 (RBK) in the Court of Honorable Judge Kugler is repeatedly and irreparably infected with misconduct by the Federal Government Prosecution team of Sara A. Aliabadi (A.U.S.A.) and Jason Richardson (A.U.S.A.), and the multi-jurisdictional team of agencies responsible for the criminal investigation, convoluted nature of the evidence and convoluted nature of the proceedings.

(3) I, Stephan R. Byrd, state and depose that, it is deceptive to rely on the pursuit of truth, procedural rules and Our United States Constitution to defend a clearly harmful practice. On December 1, 2017 at the evidentiary hearing Honorable Judge Kugler stated ["The Exculpatory Evidence that his car was at the place of work, the police didn't know until after they arrested him."] Ex. 20 Lines 8-11.

Now on February 14, 2018 less than 2 months

later the Court would prejudice Mr. Byrd and show that he would not receive equal protection of the laws in this Courtroom.

The Honorable Judge Kugler would make the bias statement, "You're just obsessed with this idea that somebody has placed your car at the scene of the crime, a fact that I've never seen in any police report, a fact I've never seen in any transcript of anything."

Furthermore, the Honorable Robert B. Kugler had previously just observed this very same issue in affidavits of the federal Government. When on March 22, 2017 at the evidentiary hearing the Court would strike false representations about my vehicle surveilling banks out of an affidavit. [See, Doc 81 March 22, 2017 page 28 Lines 17-25, page 29 Line 1-25, page 30 Lines 1-25, page 31 Lines 1-25, page 32 Lines 1-25 and page 33 Lines 1-12, as annexed herewith and incorporated by this reference as if fully set forth herein.]

4) I, Stephan R. Byrd, state and depose that on October 2, 2017 the Honorable Judge Kugler Court stated in an opinion, (page 4 of 4) "Defendant also makes repeated assertions about

what he says is a "Call sheet" but which bears the caption of "Vineland Police... Call Detail Report" and bears a date of Monday March 2, 2015. He claims the document was fabricated in an attempt to improperly demonstrate the presence of his car at the scene of the shooting in Vineland."

→ "It is not clear what the document is and what it shows. Moreover, defendant presented no evidence that any law enforcement officer ever asserted in any application for any warrant (arrest, search, GPS tracking) that defendant's car was at the scene of the shooting. This Court, because it still doesn't understand how this document allegedly shows defendant's car was at the scene of the shooting (there are other license plates also listed) obviously never used this information in determining whether probable cause existed for defendant's arrest."

The court would deny the reconsideration motion, and continue to rule for probable cause and make Chicana know the substantial basis for it based on a supplemental report wrote 2-3 months after probable cause was given. Now on February 16, 2018 at the status conference the Honorable Kugler Court informs Mr. Byrd that he doesn't have an affidavit and he can go to the State Court and get whatever he wants. [See February 16, 2018, Doc. 129-130,

page 13 Lines 6-23, as annexed herewith and incorporated by this reference as if fully set forth herein.]

Mr. Byrd: Listen. On the attempted murder charge, you gave a deferential standard of review when you, when you said that the judge had --

The Court: I don't know what you're talking about. I found that that was probable cause to have you arrested.

Mr. Byrd: Exactly. If you're saying that they have probable cause, then under Franks versus Delaware --

The Court: Nothing to do with what the State Judge found.

Mr. Byrd: Yes, yes, yes, yes, it does. You, you have -- you are confined to the affidavit.

The Court: I'm confined to the facts.

Mr. Byrd: Which is in the affidavit. That was presented to the judge. The substantial basis.

The Court: Well, I don't have any affidavit. That's filed in State Court. Why would I have a affidavit that's filed in State Court. This is not the State Court, Go to the State and get whatever you want.

Now to show that this District Court Judge knew and was aware that he was in violation of his oath and was purposely violating Mr. Byrd Due Process rights to fairness and to be heard, on May 15, 2018 at Doc. 149 Court appointed investigator Kerry Tucker submitted a Facsimile letter dated 5/11/2018 on the docket carrying two sworn affidavits from Vineland Police Department. One affidavit negated probable ^{cause} on record either written or spoken that would justify the attempted homicide warrant and the second one explained to the Court what the "Call detail report" signified with my DMV registration on it as if my car/vehicle was called in as if it was at the scene of the crime.

The Court would quash the subpoena and affidavits to cover up the misconduct, because now it's clear, the defendant had been framed. However, the Court wouldn't stop there in its Honest Service Violation. Honorable Robert B. Kugler would then admonish the Court appointed investigator for going to get the sworn affidavits. [see Doc. 156 May 15, 2018]

5) I, Stephen Byrd, State and Depose that Honorable Judge Kugler Court and the Acting Federal Prosecutors, based on Factual Development and Belief that they entered a Conspiracy to cover up the misconduct and Framing by these agents in order to Secure an illegal conviction for Bank Robberies and to Rob the American Tax Payers of their taxes. At all times in this Courtroom (in necessity) I Stephen R. Byrd had proven through Federal Documents that I was framed by the F.B.I. and Vineland Police on an attempted murder charge. I was placed in the Cumberland County Jail on July 28, 2014 illegally through a conspiratorial framing and held on a \$250,000.00 cash bail.

On July 29, 2014 after framing me for the attempted homicide, this ad-hoc team of agencies went into Mr. Byrd home to begin framing him on the Bank Robberies. Vineland Police Department would get the warrants for bank robberies and sneak the F.B.I. into the home knowing their name was not on the warrant.

The same Vineland Police Department Detective Gregory Pacitto who illegally got the attempted murder warrant with fabricated

evidence would be in my bedroom searching. Once these agencies came out of my home all property was given to the F.B.I. even though they had no warrants for it, no jurisdiction and no charges on Mr. Byrd at the time. This was clear by the Chain of Custody. On September 24, 2014 2 months after leaving out of my home and rebuilding State crime scenes they would take shell casings out of my yard behind the wooded fence and plant them at the rebuilt crime scene.

On October 1, 2015, I, Stephen Byrd, State and depose that Charles Sanders did a Proffer with the Federal Government Attorney Sara A. Aliabadi and Lead Case agent Michael Scimeca of the F.B.I. On the attempted homicide. F.B.I Agent Michael Scimeca wrote in his rough notes "Byrd not there not involved" or exactly "S.B. not there not involved". Yet he and Sara A. Aliabadi sat at the Government desk in Court for 5 years and hid this while advocating to the Court that I was involved and there was probable cause to justify my arrest. Every hearing I was denied my Constitutional rights to Due Process and Equal Protection of the Laws, because at every hearing the Government team put me at the

the scene at this crime in the background along with Eric Bailey and someone name Couch, and this Honorable Court knew that I was innocent based off the documents but continued to muddy the record in order to assist the government official in securing a conviction.

On the same October 1, 2015 day, Charles Sanders gives the attempted homicide proffer, he is in Honorable Judge Kugler Court conducting a Plea Colloquy. [See, Case No. 1:15-cr-00514-RBK, Document 28, Filed 8/8/2016, as annexed herewith and incorporated by this reference as if fully set forth herein.] Government Attorney Sara A. Alubadi entered the plea agreement into the record along with the defense attorney Mr. Hughes.

On Page 17 Lines 17-19 the Court informs Sanders that the Government no longer needs to investigate his role in the case. This was crucial because that's exactly what they did after the proffer when they discovered it was Charles Sanders on the attempted homicide and Byrd was falsely accused, they stopped investigating Charles Sanders and Eric Bailey connection to Bank robberies, even though he later incriminates Eric Bailey in the robberies in later proffer.

On page 22 lines 11-23 the Court ask Mr. Sanders "did he go into the bank with someone who he knew as 'Steven Bird' or 'Stephan Bird', he stated Yes. Now on February 16 2018. Three years later as I continue to argue the misconduct all illegal actions of the Federal Government, page 27 Lines 9-13, this Honorable Court stated:

The Court : "By the way, you raise that name, Charles Sanders in your motion on the grand jury transcripts. I don't know who he is. I don't know anything about a proffer. I don't know anything about a proffer. I don't know anything about him being in, over in Philadelphia-locked up near you. I don't know anything about that!"

[7] I, Stephan B. Byrd, state and depose that the Government had already conceded on the relevant jury instruction Constituting plain error on the 18 U.S.C. § 922(g)(1) elements. See Case 1:15-cr-00409-RBK, Document 249, Filed May 3, 2021, Page 3 of 40 Page ID: 6482. The Jury clearly ask for clarification on the 3 elements showing that they never contemplated or was told about a fourth element pursuant to Rehain and its progeny.

A defendant has been deprived of his due process rights if the jury didn't find him guilty and liable of each element of a crime beyond a reasonable doubt. This Honorable Court ignored the Constitutional guarantee of each element beyond a reasonable doubt and denied the defendant rule 33 motion for a new trial. Counsel Teri S. Lodge knew the government conceded, ignored the Court erroneous ruling and failed to appeal this meritorious error.

8.) I, Stephan R. Byrd, State and depose that Honorable Judge Kugler Court would use a supplemental report to the attempted homicide written by Detective Gregory Pacitto 3 weeks after probable cause was given to say Chicana Brown was the substantial basis for probable cause to arrest Mr. Byrd. This report is dated August 5, 2014, whereas probable cause was provided on July [REDACTED], 25, 2014. However this was erroneous due to the fact that August 5, 2014 is the same day Vineland Police Detective Gregory Pacitto No. 2 to the attempted homicide validated my claims of innocence. Detective Gregory Pacitto of Vineland Police Department failed to put in his report that Chicana Brown had lied. [See, Case No. 1:15-cr-00409-RBK, Document 101-3, Filed 8/21/2017, Page 26 of 90 Page ID: 1522, at

Annexed herewith and incorporated by this reference as it fully set forth herein.

See also., Case No: 1:15-cr-00409-RBK, Document 101-1, Filed 8/21/2017, Page 66 of 74 Page ID: 1411 as annexed herewith and incorporated by this reference as it fully set forth herein.

Honorable Judge Robert B. Kugler is/was aware of this cross reference meritorious connection, this is why he repeatedly denied both Gregory Pacitto and Craig Scarpa as witnesses at all hearings. Yet he knew and was aware that Det. Gregory Pacitto the principle State Agent on the framing of the attempted homicide was on the chain of custody of evidence in my home. He is on the chain of custody for being in the SW Bedroom to my home during the raid of my home for bank robberies while I'm in the County jail on the framing. What is more alarming is that he is there with the F.B.I. agents who was not on the warrants to be in my house during the raid.

9.) I, Stephan A. Byrd, State and Depose actual innocence to the New Jersey Attempted Homicide and Federal Bank Robberies, and that the Federal Government Assistant United States Attorneys and F.B.I. Lead Case Agent is aware through a timeline of facts and Federally acquired documents of my innocence of all charges. This is a timeline of facts to the Brady violation of Charles Sanders October 1, 2015 proffer, and how A.U.S.A. Sara A. Aliabadi, A.U.S.A. Jason Richardson, A.U.S.A.N.D. Courtney Oliva and S.A. of F.B.I Michael Deimeca were aware of these meritorious facts which is why they hid it until the eve of trial. These Federal Officials Deceived the Honorable Robert B. Kugler through Fraud on the Court.

→ Brady violation timeline to Charles Sanders October 1, 2015 Proffer:

A. 10/01/2015 - Charles Sanders Proffer on State of New Jersey attempted homicide. He confesses to being at the July 16, 2014 shooting assault of Eric Bogan. Mr. Sanders is in the backseat as Shawn Jones was the driver and Eric Bailey front seat passenger.

The Government Officials who were present at this proffer are as follows, A.U.S.A. Sara A. Aliabadi, F.B.I. Special Agent Michael Scimeca and Carrie Brzezinski C.. Also present was the acting attorney for Charles Sanders, Mr. Evan Hughes Esq. [See, F.B.I. 302's M-2-58 and M-2-59, as annexed herewith and incorporated by this reference as if fully set forth herein.]

B. Significance of Proffer

Because not just did he proffer on the attempted homicide but Charles Sanders now admits that Maurice Petway, Maurice Petway white car, Maurice Petway white girlfriend Amy Harker into the investigation. He also speaks about Eric Bailey and Shawn Jones. [See, F.B.I. 302's M-2-61 as annexed herewith and incorporated by this reference as if fully set forth herein.]

C. Charles Sanders informs the A.U.S.A. Sara A. Aliabadi and Lead Case Agent Michael Scimeca that Stephan Byrd not there not involved. See, S.A. Michael Scimeca Rough Notes in F.B.I. 302's M-2-61, as annexed herewith and incorporated by this reference as if fully set forth herein.]

This proffer rough notes is very significant for three specific reasons, (1) It disconnects Stephan Byrd from Eric Bailey and attaches Charles Sanders. 2.) It shows Stephan Byrd is innocent of the shooting and was on a false arrest and illegal detention. 3.) It validates Shawn Jones statement that Byrd doesn't hang out with them, which is what he told Detective Pacitto before a warrant was ever issued. It validates Detective Grady Scarpa of Vineland Police Department, timecard of Stephan Byrd showing he was at work. It proves Chicana Brown lied and was coerced.

Fully aware of this Brady material that puts the investigation into a whole new light, A.U.S.A. Sara A. Aliabadi and lead Case agent S.A. Michael Scimeca along with S.A. Carrie Brzezinski, covers it up and go on to deceive the honorable Robert B. Kugler Court through fraud all the way up to the eve of trial.

D. Significance of Charles Sanders naming Maurice Petway at this October 1, 2015 proffer. As early as July 10, 2015, S.A. Michael Scimeca and A.U.S.A. Sara A. Aliabadi are on the email chain stating that Maurice Petway - A.C. being 3rd suspect in the 7/19/2014 Newfield-Vineland Bank Robbery and may be

responsible for 7/21/2014 Newfield Malaga Bank Robbery. note: only one person is responsible for this bank robbery. Although Charles Sanders incriminated Maurice Petway he was never charged.

[note * Newly Discovered Evidence
Maurice Petway AD has a child by Ex.
Vineland Task Force Detective and Mayor Alvarez
Daughter.] I, Stephan R. Byrd, swear under
 penalty of Perjury Pursuant to
18 U.S.C. 1746.

E. On July 25, 2014 They associate Stephan R. Byrd with Eric Bailey and Shawn Jones through attempted homicide Warrants

F. On July 29, 2014 New Jersey State Police contact S.A. Joseph Forey about Bolo he had put out about Stephan R. Byrd, Shawn Jones and Eric Bailey. See, Joseph Vicari email to S.A. Joseph Forey of 7/29/2014

G. September 29, 2014 S.A. Michael Scimeca get subpoena to listen to Stephan Byrd and Eric Bailey phone calls in Cumberland County Jail. Both

are incarcerated for 7/16/2014 Attempted Homicide
H. September 30, 2014 Stephan Byrd charged with Federal Bank Robberies. Still connected to Eric Bailey and Shawn Jones, through attempted homicide.

I. September 29, 2014 Courtney Oliva A.U.S.A.N. emails Michael Scimeca the subpoenas at 5:22 p.m.: I'm connected to Eric Bailey for Bank Robberies. F.B.I. Alleged to have nothing to do with Attempted homicide. So subpoenas to listen to phone calls is predicated on Bank Robbery Crew.

J. December 17, 2014 Fake Dismissal letter of "No Bill" at State of New Jersey Grand Jury Circulated. Stephan Byrd was never even presented, Fraud on the Court.

K. March 8, 2015 — Nephew Kevin Peterson Murdered? Is F.B.I. involved — On July 14, 2015 Michael Scimeca generates email connecting Stephan Byrd to Eric Bailey vicariously through nephew in email
 Why and based on what information? Then they falsify Proffer of Charles Sanders as if he said something about Stephan Byrd Nephew
[See, F.B.I. 302 M-2-34, as annexed herewith and incorporated by this reference as it fully set forth herein.]
 (17)

I, Stephen Byrd, state and depose that I believe S.A. Michael Scimera and S.A. Joseph Forey may be involved in the homicide of my nephew Kevin Peterson Jr. They falsified F.B.I. 302 M-2-39 and made it seem as if Charles Sanders made statements about my nephew homicide being the result of robberies. Charles Sanders testified in trial that he doesn't know me, so how would he know my nephew. They would then try to correct the error in F.B.I 302's M-2-39 as if Charles Sanders heard it through Facebook, when they realized that he was murdered during my incarceration.

Return to October 1, 2015 Proffer:

L. Once Government does proffer on October 1, 2015, A.U.S.A. Sara Aliabadi, A.U.S.A. Jason Richardson, S.A. Michael Scimera and S.A. Joseph Forey, now all know that they cannot associate me with Eric Bailey and Shawn Jones through the attempted homicide. They must now associate their witness Charles Sanders, Eric Bailey, Shawn Jones, Maurice Petway - AR, Maurice Petway white car, Maurice Petway white girl. See, F.B.I 302 M-2-60

This is what allowed Charles Sanders in the F.B.I. 302 M-2-40, to put the white girl and white car as a attribute to me, and then change it on October 1, 2015.

J. Now Connecting Charles Sanders to Eric Bailey, Start investigation over at July 10, 2015 email about Maurice Petway being the suspect in the bank robberies. A.U.S.A. Sara Aliabadi and S.A. Michael Scimeca said in email he was casing the bank on 7/14/2014 and may be responsible for 7/21/2014. Also once you acknowledged July 10 2015 proffer, you now must look at F.B.I. 302 rough notes M-2-61 white car or white truck Connecting Charles Sanders, Maurice Petway, and Eric Bailey.

K. This is why Charles Sanders didn't start proffering until after he was informed that someone over in Philadelphia detention center had taken responsibility for the robberies without the implications of others.

L. Testimony of Charles Sanders at Trial
Sanders - Cross - Archie

Q. You don't even know Byrd, correct?

A. NO.

[See., T.Tr. April 9th 2019, Doc. 205, pp. 132
Lines 1-2, as annexed herewith and incorporated
by this reference as if fully set forth herein

By Mr. Archie

19. Q. You talking about Mr. Byrd?

20. A. Yes

21. Q. So you don't know who he is or what he looks like?

22. A. No

23. Q. But you robbed a bank with him?

24. A. Yes.

[See T.Tr. April 9, 2019, Doc. 205, pp. 133-
Lines 11-25, Pp. 134 Lines 1-24, as annexed
herewith and incorporated by this reference
as if fully set forth herein]

M. Read the F.B.I. 302 rough notes M-2-64

[L.S. did not have a phone probably
S.B. called him (white car) Drive to
noon [Eric Bailey House."]

However in Government Exhibit MS-10
Charles Sanders Search Warrant for Cell Phones

cell phone #1: "Sanders was deceitful to the agents
indicating that this phone was his only operating
cell phone, which was used to contact the F.B.I

[as annexed herewith and incorporated by
this reference as if fully set forth herein.

N. A.U.S.A. Sara H. Altabadi, A.D.S.A.

Jason Richardson and Lead Case Agent of F.B.I. S.A. Michael Scimeca all conspired against the Constitutional Rights of Stephan R. Byrd through Fraud on the Court. These Federal Agents would deceive the Honorable Kugler Court repeatedly from 2014-2019 Trial, so much so that they actually have the record looking as if Honorable Robert B. Kugler had joined the conspiracy.

The following entries that was filed on the Court by these Federal Agents Created fraud on the Court while the entire time they were withholding information that proved my innocence and that incriminated their Star witness Charles Sanders into the attempted homicide in the State and implicated Eric Bailey and Maurice Retway into the bank robberies, and laid the foundation for egregious prosecutorial misconduct.

D.

1. See. Case: 1:15-Cr-00409-RBK Document 61 filed December 29, 2016, 1 year, 2 months and 28 day after October 1, 2015 proffer of Government Witness Charles Sanders: [Quote in Part] Pg. 18 of 44, Page I.D.: 555 See, Footnote Paragraph 1:



A.U.S.A. Sara A. Aliabadi Stated in Part:

"Here, by contrast, Byrd's State Shooting charges were supported by probable cause, there was evidence against Byrd, and Byrd himself admitted that he knew the other individuals involved in the shooting. Watson does not control, and Byrd's recorded statement is admissible."



2.) Quote 2 in Part Page 24 of 44 Page ID: 561
Bottom of Second Paragraph: A.U.S.A. Sara A. Aliabadi Stated in Part:

"Byrd's provides no factual support for his theory however. Looking at Byrd's prosecution as a whole, Byrd's State charges were supported by probable cause and there is no lawful reason to dismiss his superseding indictment or preclude the admission of his recorded statement to F.B.I. Agents



3.) Quote 3 in Part Page 27 of 44 Page ID: 564
A.U.S.A. Sara A. Aliabadi Stated in Part:

Byrd ignores all the other evidence in the shooting investigation that supported the probable cause underlying Byrd's arrest Warrant. Vineland Police Records reflect that when officers interviewed Byrd, Byrd denied any personal involvement in the shooting but admitted that he was aware of it and he had been in the company of the other suspects in the shooting, Eric Bailey and Shawn Jones. Further police received information about Byrd from a female ("UF") who knew Bailey and Jones."



4.) Quote 4 in Part Page 26 of 44 Page ID: 565
First Paragraph A.U.S.A. Sara A. Aliabadi
Stated In Part:

"UF also told police that during her conversation with Bailey, Bailey told UF that Byrd was present at the scene of the shooting and that Byrd had given Bailey the gun that he used to shoot Bryan."

A.U.S.A. Sara A. Aliabadi Stated In Part:

Last Paragraph:

"Law enforcement had evidence that Byrd was at the scene of the shooting, that Byrd had supplied the gun used in the shooting, that Byrd knew the others involved in the shooting; and that Byrd had been in the company of others involved in the shooting. In light of all this evidence, it is clear that Byrd's state arrest warrant was supported by probable cause [or, at a minimum, that law enforcement reasonably relied on this warrant in good faith when arresting and detaining Byrd]"

— I, Stephen Byrd, state and depose that the above quotes are those of A.U.S.A. Sara A. Aliabadi at the March 22, 2017 hearing that created fraud on the court and gave way to a denial of my Procedural and Substantive Due Process. The Court would rule against the defendant at this evidentiary hearing, allowing a coerced confession and Mr. Byrd's vehicle and registration into the trial, which was seized on the false arrest by United States Marshal Service for the F.B.I. Bank Robbery investigation. I make this statement under penalty of Perjury pursuant to 28 U.S.C. 1746.

I, Stephan Byrd, State and Depose under the penalty of perjury that the Honorable Court of Robert B. Kugler was Deceived through fraud on the Court at this evidentiary hearing, due to the Fact the October 1, 2015 proffer had already taken place with Government Criminal Witness Charles Sanders and a SKI had already been signed as well as a Plea Colloquy accepted by the Court and government. The Honorable Court of Robert B. Kugler would stand upon the the Fraud by this Government team of A.U.S.A. Attorneys Sara A. Alizabadi and A.U.S.A. Juan Richardson as the Court would make the following ruling against the defendant predicated on Fraud.

In Part March 22, 2017 Docket 81-82
Pp. 113-114 :

"The victim doesn't know who's in the backseat, but Chicana Brown, again completely unsolicited, no evidence she has an axe to grind, doesn't seem to be seeking to gain anything at all, she shows ~~up~~ up at the police station and says the shooter told her that Byrd gave him the gun and was in the car. And so I stated, the description of the gun matched that of the victim, which of course enhances her credibility."

1. See., Criminal Case No: 1:15-CF-00404-ABK

Document 107 Filed September 26, 2017, 1 year
8 months 26 days after October 1, 2015 Proffer
and Plea Colloquy of Government Criminal Witness
Charles Sanders

Quote 1 in Part Page 1 of 4 Page ID: 1666
A.U.G.A. Sara A. Aliabadi Stated In Part
First Paragraph:

"Defendant Stephan Byrd's conduct just days ago in issuing multiple subpoenas to federal Agent, law enforcement officers, and a civilian, the only purpose of which appears to be harassment and wasting time"

↓
Quote 2 in Part Page 1 of 4 Page ID:
1669 Third Paragraph A.U.G.A. Sara A. Aliabadi
Stated In Part

"Byrd now seeks to take advantage of the Government's latitude by turning the proposed hearing into a three-ring circus."

Quote 3 In Part
Mid Second Paragraph
Stated In Part

Page 2 of 4 Page ID: 1670
A.U.S.A. Sara A. Aliabadi

"There's has been no intervening change of controlling law; there is no new evidence that was not previously available to Byrd and his prior counsel at the pretrial motions hearing."



Quote⁴ In Part Page 2 of 4 Page ID: 1670
A.U.S.A. Sara A. Aliabadi Stated In Part

"The evidence showed that there was no federally orchestrated "vae" to arrest Byrd on a Baseless State Shooting crime and, in fact, the State Shooting crime for which Byrd was arrested, was itself amply supported by Probable Cause."

— I, Stephen Byrd, State and depose that based off this statement by A.U.S.A. Sara A. Aliabadi and A.U.S.A. Jason Richardson, attempting to argue Probable Cause on a defendant they — clearly know is innocent, that there are many men and women who may be incarcerated illegally

at the hands of these senior prosecutors and may have not had the primary education to research and connect the lies and fraud of these cases, and that every case they have ever reviewed ever need to be opened and reexamined. Especially the cases that possess the same A.U.S.A.'s Sara Aliabadi, Jason Richardson, F.B.I. personnel Michael Scimeca Carrie Brzezinski, Joseph Foley, and The Honorable Court of Robert B. Dwyer. This is my belief based off the factual development of this case which is clear and weighty. We must ask what else have they done and was successful at covering up. —

Quote 5 in Part
First Paragraph
stated in Part:

↓ Page 3 of 4 Page ID: 1671
A.U.S.A. Sara A. Aliabadi

"Further, allowing Byrd to present testimony from all these witnesses would result in wasted time and judicial resource, and even more dangerously, it would allow Byrd to harass, embarrass, and intimidate the witnesses, ② in contravention of Federal Rules of Evidence 611(a)." ↓

Footnote 12

" For instance, Byrd has issued a Subpoena to civilian witness Chicana Brown, who provided information regarding the State Shooting crime for which Byrd was arrested. Considering Byrd's arguments and comments at the original pretrial motions hearing, the Government believes that Byrd intended to call Ms. Brown in order to intimidate her, harass her, and discredit her character in a public forum. Byrd has offered no purpose for Ms. Brown's testimony at this stage of this case, given the Court's ruling that Byrd's arrest for the State Shooting was supported by probable cause and that Ms. Brown's testimony was corroborated by other evidence in the record."

10. I, Stephan R. Byrd, state and depose that the A.U.G.A. Sara A. Aliabadi and A.U.S.A. Jason Richardson, and A.U.G.A.N.I. Courtney Olive are still withholding vital Brady / Giglio material to the best of my belief based on a logical conclusion of facts in the record. Supervisor of records for Vineland Police Department Sworn out an affidavit on May 8, 2018, stating under oath pursuant to 28 U.S.C. § 1746 :

I, MICHELE PEDULLA, being first duly sworn on oath, depose and say that I am a duly authorize custodian of the police records for Vineland Police Department and have the authority to certify those records. The copy of the records attached to this affidavit are true and correct in all particulars. These Call Detail Reports were made contemporaneous to the events as they occurred and represent the details of the aggravated assault of 1616 Pennsylvania Avenue on or about July 16, 2014, Specifically, the entry made at the bottom of page 4 that indicates a vehicle bearing NJ Registration P37-DPX was involved on July 16, 2014 at 13:56 hours."

Therefore, 8 days before Chicana Brown comes into the Vineland Police Station on July 23, 2014 Vineland Police had already attempted to connect me to this crew of individuals illegally. Chicana Brown is the only person who made a statement with my name in it. The Government attorneys did everything possible through fraud on the Court to prevent Chicana Brown from getting on the stand and explaining why and who had put her up to this, to take Charles Sanders out the vehicle and put Mr. Byrd in the backseat with Eric Bailey and Shawn Jones.

11.) I, Stephan R. Byrd, State and Depose that every Court ruling in the Honorable Robert B. Kugler Court was predicated on Fraud and Fabricated Facts put in the record by the Government team of A.U.S.A.'s Sara A. Alizadeh and Jason Richardson, along with the lead case agent who sat at the desk during every hearing knowing "S.B. Not there NOT involved" based on his own rough notes and hand writing.

12.) I, Stephan R. Byrd, State and Depose to the best of my belief and ability that I am 100% innocent and was framed by the Federal Government for crimes I did not commit. I have lost my entire family behind the lies of this prosecution team. I have been incarcerated 10 years illegally and Honorable Judge Kugler Court, the A.U.S.A.'s Sara A. Alizadeh and Jason Richardson have all had multiple opportunities to correct their errors and have overlooked the corruption, and egregious misconduct. The record is repeatedly developed with the same facts and evidence from the very beginning and they have all conspired together to cover it up and to protect each other from future prosecution.

I, Stephan Byrd, State and depose that I have lost some of my eye sight from staying up long hours in attempt to argue my innocence under the neon lights of prison.

I lost my career job after being returned during my 19 years of incarceration in the state. I was in college and could have possibly received my doctoral degree by now in finance had I not been framed. I completed Parole successfully, however Honorable Robert B. Hugler would deny my parole officer of getting on the stand in my trial.

(13.) I, Stephan Byrd, State and depose to the best of my ability believe that they are going to continue to cover this case up and possibly try to have me murdered at some point for the truth not come out and to protect the Federal Agents in their misconduct. They are purposely sending all my legal mail to P.O. Box 5000 which is the Hazelton medium knowing I am in the P.O. Box: 2000 Hazelton Penitentiary because of the 50 years plus I received.

(14.) I, Stephan Byrd, State and depose to the best of my ability that I am suffering from Post Traumatic Stress Disorder. During the 10 years of these egregious violations only one person in the entire picture has called this and that is the Court appointed investigator Kerry Tucker. He wrote the Justice Department explaining away and whistleblowing on the misconduct, and yet it has still been ignored. I am now preparing to petition an individual justice in the Supreme Court and send the entire case along with exhibits to them to intervene.

15) I, Stephan Byrd, State and depose that I am strong willed, strong minded and have no desire to harm myself. If something happens to me here at Hazelton Federal Penitentiary, I state and depose to the best of my ability believe that Honorable Robert B. Kugler, A.U.S.A. Sara A. Alizabadi and A.U.S.A. Jason Richardson is behind the killing along with F.B.I. Agents Michael Scimera and Joseph Furey. These Agents need to be investigated in connection to the murder of my nephew Kevin Peterson JR.

16) I, Stephan Byrd, State and depose that I will appeal any denial of my § 2255 Petition and if Honorable Robert B. Kugler Deny me a Certificate of appealability, I will petition the 3 judge panel for at least one justice of the 2nd Circuit to issue the Certificate. I depose that I will never stop fighting for however long it takes to get Justice or until it goes into a Courtroom that is neutral and detached and will honor its Oath and Protect the United States Constitution.

Date: March , 2024

Respectfully
Submitted
Stephan B. Byrd